

L500 California. Legislature. Assembly.
P81 Interim Committee on Public Health.
1961 Proposed increase in maximum tax
no.3 rate, Bay Area Air Pollution Control
District; transcript of proceedings.
San Francisco, December 11, 1961.

TRANSCRIPT OF PROCEEDINGS, * * * * *

HEARING OF THE
SUBCOMMITTEE ON AIR POLLUTION AND RADIATION PROTECTION
OF THE
ASSEMBLY INTERIM COMMITTEE ON PUBLIC HEALTH
W. BYRON RUMFORD, CHAIRMAN

December 11, 1961
State Building Annex
San Francisco, California

CALIFORNIA
STATE LIBRARY
MAR 23 1962
DOCUMENTS SECTION

-PROPOSED INCREASE IN MAXIMUM TAX RATE,
BAY AREA AIR POLLUTION CONTROL DISTRICT

Howard J. Thelin, Subcommittee Chairman
Members, Ronald Brooks Cameron
Milton Marks
W. Byron Rumford
Chet Wolfrum

INDEX OF WITNESSES

<u>Name</u>	<u>Page</u>
1. Hon. Clarissa S. McMahon	2
2. Hon. T. Louis Chess	12
3. Hon. Francis Dunn	17
4. Hon. Claude B. Hutchison	26
5. Paul F. Arnold	29
6. Dr. Seymour M. Farber	31
7. Harold Lindsay	38
8. John D. Phillips	42
9. Mrs. Erich Nielsen	44
10. Francis Aebi	52
11. Bernard Yurash	55
12. Ken Moeller	57
13. Judd Callaghan	58
14. Carl W. Rehfuss	60
15. Judd Callaghan	67
16. Matthew Walker	70
17. Benjamin Linsky	72
18. Hon. James Kenny	74
19. Hon. T. Louis Chess	77

SUBCOMMITTEE ON AIR POLLUTION AND RADIATION PROTECTION

Hearing held 10:00 a.m., Monday, December 11, 1961
Room 1194, State Building Annex,
San Francisco.

CHAIRMAN THELIN: The meeting will please come to order. This is a meeting of the Subcommittee on Air Pollution and Radiation Control of the Assembly Public Health Committee. I am Howard Thelin, the Chairman of the subcommittee and present with us today are members of the Committee. On my extreme left, Assemblyman Chet Wolfrum, Los Angeles; on his right is Assemblyman Milton Marks, San Francisco; on my right is Assemblyman Byron Rumford, Berkeley, who is also the Chairman of the Public Health Committee; on his right is Assemblyman Sheridan Hegland, San Diego County. As members of our staff today are, on my right is Vivian Nance, and then we have Mr. Dick Hoss, our Consultant and Mr. Gene Poschman, our legislative intern, and our Sergeant-at-Arms, Mr. Tommy Gallino.

The subject matter of our hearing today is the proposal embodied in A.B. 1228 introduced at the general session of the Legislature of this year. That bill proposed raising the maximum tax rate of the Bay Area Pollution Control District. That rate is now one cent per \$100 assessed valuation. The Bill, AB 1228, proposed to raise that maximum to two cents; subsequently, it was amended to modify this proposal in some respects, but today we hope to gather some information on this subject so that we may have sufficient background to ascertain if further legislation should be introduced on this subject and if so, what

it should be.

We have an agenda of witnesses who are scheduled to speak and we will call them first and if we conclude the list of those on our agenda, we will then ask anyone else present who was asked to be heard if they wish to speak, but we are going through the names of those who have handed us their names expressing a desire to address the committee on this subject.

The first witness is the Honorable Clarissa S. McMahon, Supervisor for the City and County of San Francisco. Is she present? Would you come forward, please? Please be seated. Will you state your name and office for the purpose of the record and then you may proceed.

MRS. McMAHON: Mr. Chairman and members of the Committee:

I appreciate the opportunity of appearing before the Committee to discuss one of the Bay Area's most pressing problems, air pollution control.

Your Committee has been assigned the responsibility of reviewing Assembly Bill 1228 which was actively supported by the Bay Area Air Pollution Control District at the last session of the Legislature.

Seven years ago when the State Legislature recognized the existence of an air pollution problem in the Bay Area, it decided to create the necessary legislative tool with which to clean up the air in this part of California. Thus, the Bay Area Air Pollution Control District was formed by an Act of the Legislature in 1955. The District is presently composed of six

counties,namely: Alameda County, Contra Costa County, Marin County, City and County of San Francisco, Santa Clara County, and San Mateo County. The counties of Napa, Solano, and Sonoma are given permissive powers to join the District at their discretion.

The District's Board of Directors, twelve in number, a policy making body, is by law composed of one Supervisor from each of the six counties' Board of Supervisors and one Director selected from the Mayors or Councilmen of the cities in the District by a Council of Mayors. In San Francisco, the councilmanic representative is a Supervisor appointed by the Mayor.

We, the members of the District's Board of Directors and the District staff are your creation. We are the instruments which you have selected for the job of "cleaning up the air we breath" in the six Bay Area counties.

In creating the District you charged us with a single duty, "...make and enforce such general orders and regulations as will reduce the amount of air contaminants released within the District..." and we were authorized a one-cent tax to carry out your orders.

During our five years of operation, the District has researched and developed two very tight air pollution control regulations:

Regulation 1: On March 20, 1957, the District's Board of Directors enacted Regulation 1 which, for the most part, has eliminated large scale open burning in the Bay Area. While

many violations of this regulation are still found at smaller operations and occasionally at larger ones, such violations will undoubtedly decrease as the District is able to intensify its enforcement program.

Regulation 2: On May 4, 1960, Regulation 2, which controls the emissions of pollutants from industrial, commercial and institutional operations, was adopted.

In order to comply with this strict regulation, Bay Area industry have committed itself to the spending of millions of dollars on air pollution control equipment.

The experience gained since the adoption of these regulations has proven that additional personnel are vitally needed for area-wide enforcement of an compliance with District regulations. The present tax rate of 1 cent per \$100 of assessed valuation does not provide sufficient funds to add as many additional field enforcement personnel as we believe are essential.

The vast area of the District, nearly 4000 square miles, the tremendous number of air pollution sources, estimates set the figure at approximately 50,000, create the complexity of problems which the enforcement and technical personnel of the District face daily in accomplishing their task of bringing "clean air" back to the six counties of the Bay Area.

While we work within six counties, it must be remembered that smog is no respecter of county boundaries, that what is created in Marin County may end up in San Lorenzo, what comes

out of air pollution sources in Richmond, very often ends up in San Francisco and what is thrown into the atmosphere in Redwood City, may very well be shifted, by the unpredictable winds of the Bay, to San Jose or San Leandro. This goes on throughout the District.

The Directors come from six different counties, but when we sit on the Board of the Bay Area Air Pollution Control District, we serve as one body, one political entity. We must fight smog as one unit, since that is how smog attacks us.

The Board on November 1, 1961, adopted a resolution asking the Governor to include in his Special Call before the 1962 Budget Session of the Legislature an amendment to the Health and Safety Code to increase the present 1 cent tax to 1.6 cents per \$100 of assessed valuation. These funds are vitally needed. The lack of adequate enforcement personnel in the field permits the unscrupulous operator to continue to violate the regulations to the detriment of the Bay Area's population and to those who have complied.

We have made real progress in combating this menace to our communities, but only within the limited scope of our available funds. We are now on a threshold of accomplishment, however, we must place additional personnel in the field, if we are to attain the goal set for us by the State Legislature.

As our District's population grows, so will the numbers of uncontrolled sources of air pollution. Compliance with District regulations is daily becoming our most important need.

Permit me a personal observation. Perhaps some of you are aware that when this proposed tax rate increase was suggested last year, I opposed it. After a year of thorough study of the District's operations, I am now convinced the increased tax rate is needed, and more than that, I think the personnel which will be provided by an increased tax rate, are needed.

I respectfully request your Committee to recommend, as a result of your deliberation, the increase from 1 cent to 1.6 cent the rate of assessment for air pollution control in the counties comprising the District. Only in this way will we be able to attack this menace and accomplish the mission laid down by the State Legislature.

CHAIRMAN THELIN: May I ask you a question?

MRS. McMAHON: Certainly.

CHAIRMAN THELIN: Apparently you, at one time, opposed this increase. What are your feelings about an increase to two cents?

MRS. McMAHON: I do not think that amount is needed, Mr. Thelin. I think that we can very well accomplish the requirement of the District under the two regulations which have been enacted with the 1.6¢, and I think with the gradual increase in the assessment valuation of the property within the District, this 1.6¢ will do us for sometime to come. Certainly, under our present experience, it should be sufficient. I am speaking personally, now.

CHAIRMAN THELIN: I understand that. Could you tell us approximately how many field enforcement personnel you have at

the present time in the District?

MRS. McMAHON: I would have to ask Mr. Linsky. I think it is only 3 or 4, if we make it strictly field enforcement. By enforcement, we really mean those who can investigate and those who can observe. We have no enforcement powers.

CHAIRMAN THELIN: Judging from your statement, this is one of the areas where you felt more personnel were needed.

MRS. McMAHON: I think it is the only area at the present time, Mr. Thelin. We have to get more men out into the field to observe the violations and also to help those people who are violating who would like to come within the regulations of the District and need technical advice and assistance.

CHAIRMAN THELIN: Assemblyman Rumford has some questions. Mr. Rumford.

ASSEMBLYMAN RUMFORD: Mrs. McMahon, you indicated that you had opposed the bill at the last Session. You are expressing views now as President of the Bay Area Air Pollution Control Directorate?

MRS. McMAHON: I expressed them in my statement, Mr. Rumford, in answering the question, I am thinking personally, because Mr. Thelin asked me -

ASSEMBLYMAN RUMFORD: Sure. Well, now, are you prepared to express the views of the Board of San Francisco?

McMAHON: No, I am not. Their last position, Mr. Rumford, was to oppose the increase in the tax rate.

ASSEMBLYMAN RUMFORD: When was that last position taken?

MRS. McMAHON: Before the Legislature of 1961. They have taken no position since. I have introduced before

the Board a resolution which would request the Governor to put this matter on the Special Call. Because of the heavy burden of Rapid Transit legislation, the committee has not been able to take this matter up, so there has been no position; however, I will support the resolution in the committee of the Board of Supervisors in San Francisco and if it comes out of committee, before the full Board.

ASSEMBLYMAN RUMFORD: Our problem, as you well know, has been that we have not had the support by a large participant in this regional district and we are hoping that if we do make such a motion, that we will have the wholehearted support.

MRS. McMAHON: I can assure you that I will make every effort to get that support there for the Legislature.

ASSEMBLYMAN RUMFORD: Well, if not, can you just sort of neutralize it?

MRS. McMAHON: Well, I am afraid that is not a Board that can be neutralized very well, or a man that can be neutralized although the Board does set the policy.

ASSEMBLYMAN RUMFORD: You have omitted to say that we have had some experience with the exercise of their abilities. We would like very much, if we are to push this as you have suggested where it is urgently needed, that we do get the support of the San Francisco Board together with those other groups, inasmuch as this is the approach the District is going to have to use. Mrs. McMahon...you have made a study of the necessity for this increase in tax. Would you say then that

this increase would be substantial for five years or how long a period, or have you any indication?

MRS. McMAHON: I am only speaking personally, Mr. Rumford-

ASSEMBLYMAN RUMFORD: I understand.

MRS. McMAHON: Now, my belief is that as the District is presently set up, while we have no true enforcement powers, as you know, we have to go to the local courts for a true enforcement of the regulations, the 1.6¢ will be sufficient, certainly under the two regulations which have been enacted. Additional regulations may change the need, but I don't think that it can be even used to the full extent in the first couple of years. I think it is a program that will have to build. You cannot suddenly put thirty-forty people into the field. You start out slowly and see how they are needed. The very fact that it is authorized, does not mean that we are going to spend it or assess the counties for that amount. Now, that is my personal view.

ASSEMBLYMAN RUMFORD: I see. That is all I have, Mr. Chairman. I am just wondering if we have somebody from the Board who is going to testify as to what their position is going to be. (Laughter).

CHAIRMAN THELIN: I do not believe we have anyone from the Board.

ASSEMBLYMAN RUMFORD: Otherwise, we may have all favorable witnesses here and we find ourselves later on confronted with the opposition.

MRS. McMAHON: You mean from San Francisco.

ASSEMBLYMAN RUMFORD: Yes.

MRS. McMAHON: Well, they have not considered it, Mr. Rumford. It has been sent to committee. They opposed it before. I have certainly changed my viewpoint and I was one of the main ones I guess, convinced them at the time they took that view. Mr. Blake, the other member has always supported this position. I think that with the two of us supporting it and with the additional information that I now have for them, I think that we have a very good chance of getting this voted.

ASSEMBLYMAN RUMFORD: And this is an election year, too - this may help.

MRS. McMAHON: Well, the election over.

ASSEMBLYMAN RUMFORD: Over?

MRS. McMAHON: I mean so far as the Supervisors are concerned -

ASSEMBLYMAN RUMFORD: Oh, now, I was not thinking particularly of the Supervisors.

MRS. McMAHON: (Laughter) No.

ASSEMBLYMAN RUMFORD: I was thinking of the Regents. Thank you Mrs. McMahan.

CHAIRMAN THELIN: Assemblyman Marks has a question, Mrs. McMahan.

ASSEMBLYMAN MARKS: Mine was more than a comment than a question. Mr. Rumford stated that the City and County of San Francisco opposed your bill, which is true that the Board

did, but if you look, you will see that all six Assemblymen from San Francisco were in favor of your bill. In fact, I, along with the other Assemblymen were co-authors of your bill, so it was a rather unusual situation we had last Session to have all the Assemblymen from San Francisco supporting the bill and having San Francisco, officially, oppose the bill.

MRS. McMAHON: That is unusual? (Laughter)

ASSEMBLYMEN MARKS: I hope it will not happen again.

CHAIRMAN THELIN: Mr. Rumford, do you want to address yourself to that comment.

ASSEMBLYMAN RUMFORD: Well, I just want to comment that we do have an enlightened group of Legislators from San Francisco here, and I appreciate the support, and am looking forward to the continued support along these lines. Thank you very much, Mr. Marks.

CHAIRMAN THELIN: Thank you very much Mr. Rumford. The Chair might state that the Board of Supervisors from San Francisco were notified of this meeting and opportunity to appear and oppose this legislation if they so desired at this time. Are there any further questions from the committee? Apparently not. Thank you very much, Mrs. McManon. We appreciate your coming here and giving us the benefit of your views on this subject and of the Air Pollution Control Board.

MRS. McMAHON: Thank you, Mr. Chairman.

CHAIRMAN THELIN: The next witness is the Honorable T. Louis Chess, Supervisor from San Mateo County and member of

the Board of the Bay Area Air Pollution Control District. Would you address yourself to the Committee, sir.

MR. CHESS: Mr. Chairman and members of the Committee, my name is T. Louis Chess, a member of the Board of Supervisors, San Mateo County, and a member of the Board of Directors of the Air Pollution Control District, San Francisco Bay Area. I subscribe to what has been said by Mrs. McMahon with respect to the 1 6¢. I might add that as Chairman of the Budget Finance Committee, year before last I was instrumental in my committee in recommending the 2¢ rate. The reason that we felt at the time that the 2¢ rate would serve us for some years to come. This was not necessarily that we wanted to use the 2¢ rate immediately, but we realize that the legislative body does not meet every year and it would thereby enable the District to function without depending upon the off years and in some manner hindering the efforts of the District in combating this terrible situation of smog in the District. I went along with the other members of the Board - in fact, the entire Board unanimously approved the 1.6 because we agreed that, at least for some years to come, the 1.6 along with the additional assessed values would give us adequate funds to implement and augment the force of inspectors in the field and give us an effective approach to the surveillance and inspection in the field of enforcement, and that is important. We have spent hundreds of thousands of dollars in the field of technical analyses, and some measure of reasearch, and it is the feeling of my Board in San Mateo County

that we have reached the point now that something more specific must be done in the field of enforcement through surveillance and inspection. We have in San Mateo County a very large horticultural productive effort that produces in the terms of eight figures each year, and it is a very important facet of our economy and this pollution is a very serious factor with us. In fact, one of our orchid growers one year lost \$60,000 worth of orchids because of pollutants in the air in that particular year. We are also quite seriously concerned with the effect of pollutants upon the electronic industry which is another very important facet of our economy and there is a gentleman here this morning speaking for those interests more specifically. I want to reiterate that particular concern because the electronic industry is a growing industry in our county. In fact, one of the larger firms in the community is prepared to spend another substantial amount of money in the eight figures, again, and to expand their facilities. This brings to our county payrolls in excess of \$20,000,000 a year. Those things cannot be ignored and we are quite concerned about what is not being done in the field of enforcement. We have whole-heartedly supported the District. We are quite anxious to continue doing just that. We are not the contributors to the sources of pollutants that other counties or other areas are; nevertheless, we realize that boundary is no variant to the movement of pollutants and we want to do our part and we do it willingly. We want to contribute. We want to find a way

of finding a solution of this serious, serious problem.

Gentlemen, we respectfully urge your support of this 1.6~~4~~ legislation so that we can at least start implementing and augmenting our personnel in the field of surveillance and inspection and thereby bring about some effective and adequate, or at least adequate at this time, enforcement and later on if we feel that we move into other areas through additional regulations, we might have to come back and ask for additional. But we do feel that at this time, at least, and for sometime to come that 1.6 will suffice.

Thank you very much.

CHAIRMAN THELIN: Mr. Chess, approximately how many additional men do you feel you need at the present time for enforcement?

MR. CHESS: Well, we figured that the 1.6 would give us in the 1962-63 fiscal year, approximately 24 enforcement people, that is, surveillance people, inspectors, with a possibility of 6 or 7 supporting technicians and administrative personnel. Naturally, these inspectors have reports to file and they have to have analyses of the pollutants they pick up, but eventually, it may be increase beyond that. But at the outset, I would say that probably 10 or 12. We would feel that the implementation of this force would take place over the period of a year, or even two years. We would not move into the 1.6 maximum immediately. It may be two years, maybe longer before we utilize it.

CHAIRMAN THELIN: 10 or 12 additional men would just about be doubling your staff.

MR. CHESS: It would more than that. Actually, we only have three men in the field as such. We have 6 or 7 technicians that do some field work, but not in the measure that they might be doing. We want some full time field surveillance inspectors and there are only three there now. We want at least two in each county. The 10 or 12 would give us the number of people as a minimum that we want to start out with in that field.

CHAIRMAN THELIN: Are there any questions by members of the Committee? Mr. Rumford.

ASSEMBLYMAN RUMFORD: Do you oppose, Mr. Chess, the idea of local inspection?

MR. CHESS: In San Mateo County we have not taken the position on it, that is, with any great amount of feeling. We feel this way about it. We need the support of the local authorities in creating a sort of consciousness on their part toward the enforcement of air pollution control, but we think that the District has a mandate under the statutes to carry out that phase of the work, and if we can move into an agreement with some of the agencies like Public Health to get their cooperation, we do not have any objection. We are not asking for it, particularly. As a matter of fact, in my county we are already doing it. We have instructed our building inspectors, our health department and other departments and agencies, and they are already cooperating. In fact, one of the first questions the inspectors will ask you when you go for a building

permit, "Have you conferred with the Air Pollution Control about incinerators" and that sort of thing. We are working along those lines.

ASSEMBLYMAN RUMFORD: Has there been any noticeable reduction in air pollution since the inception of this District seven years ago? You mentioned a \$60,000 loss in orchids.

MR. CHESS: We have noticed some reduction. Not as substantial as we would like to see it, but we have noticed it because some of the bigger contributors have actually done something about their problems. Some of the bigger companies have spent millions of dollars.

ASSEMBLYMAN RUMFORD: You have also had an increase in population.

MR. CHESS: Naturally, and an increase in industrial, but we are doing our part already, as I have indicated, in referring them to the Air Pollution Control District.

ASSEMBLYMAN RUMFORD: You are then, satisfied that this is effective.

MR. CHESS: Definitely. We are whole-heartedly in support of this project.

ASSEMBLYMAN RUMFORD: That is all, Mr. Chess.

CHAIRMAN THELIN: Any further questions from members of the committee? Apparently not. Thank you, Mr. Chess, for your appearance.

The next witness is the Honorable Francis Dunn, Supervisor from Alameda County and member of the Board of the Bay Area Air Pollution Control District. Mr. Dunn.

MR. DUNN: Thank you, Mr. Chairman. My name is Francis Dunn. I am a member of the Alameda County Board of Supervisors and a Director of the Air Pollution Control District.

I believe, Mr. Chairman, almost anything I would say with regard to the need for this additional money would be repetitious and time-consuming, so I will make no reference to it other than to say that the purpose of this additional staffing for surveillance and enforcement, I would like to emphasize it, for an educational purpose in regard to people who may be in violation and who probably are in violation but who need information in regard to how to put themselves in compliance, as well as with regard to actual enforcement itself. There is, perhaps, some waste in this respect now which could be cleared up by employing men specifically for enforcement purposes. As you have been told, we have just three men that are actually employed for enforcement at this time, and that others are being used to assist them, at least, part-time. It may be that these others that are being used are in a higher bracket because of their technical knowledge and ability than would be people in the enforcement field and when they are taken from duties that require the use of their best technical knowledge and ability, they are to some extent, not being used to their full capacity where they could be replaced by people at a lower salary scale rate. I suspect this is true to some extent.

Now, I would like to direct myself mostly to the reason why we are asking that this be a part of a Special Session.

Under the Act in Section 24370.1, the Board is required to estimate and determine the amount of money required by the District for the purpose of the District for the ensuing fiscal year which, basically means we have to prepare a budget on or before the 15th of June. Then, on or before the 15th day of June of each year, the Board shall inform the Boards of Supervisors of each county of the amount apportioned to the county. Now, this, of course, places an obligation on the District to make up its budget estimating its requirements for the ensuing fiscal year. If this matter were left to a regular session, it would not be able to, assuming that an increase in the amount of taxation was approved by the Legislature, unless it was done by an urgency measure. The law would not be effective until September, 1963 and therefore, the additional financing would not be available until the next ensuing fiscal year. I believe now that we have had Regulation 2 in effect for almost two years. We have needed this additional surveillance and enforcement and education program. I do not believe we can wait any longer to carry on an efficient program that would bring about compliance with the regulation by those that are not complying and to support those people who are complying in their efforts to help to eliminate air pollution. I would urge specifically that you approve the request for increase in the tax rate and you recommend to the Governor that this be a part of the Call for a Special Session in 1962.

CHAIRMAN THELIN: Thank you, Mr. Dunn. Are there any questions from members of the committee? Mr. Rumford.

ASSEMBLYMAN RUMFORD: Francis, I note here that Marin County and Contra Costa County are not represented here.

MR. DUNN: Mr. Kenny is here from Contra Costa County.

ASSEMBLYMAN RUMFORD: I see. Well, maybe we can get your observations later because, unless we get some support, as you well know, from the various participating groups here, we are going to run into the same problem we ran into before. While I whole-heartedly agree with the need, I think there is basically some need to convince some of these people who are involved that we need their support. Have you any indication at all as to what the feeling of Marin County is and some of the other counties.

MR. DUNN: I have only the action of their representatives on the Board of Directors. This request of the Governor was approved unanimously by the Board of Directors, all members voting.

ASSEMBLYMAN RUMFORD: Yes.

MR. DUNN: So there is no difference of opinion so far as the members of the Board of Directors are concerned. It was not the case the last time we met.

ASSEMBLYMAN RUMFORD: I see.

MR. DUNN: The history of Contra Costa County is that on two occasions, the Board of Supervisors of Contra Costa County did endorse the 1¢ tax rate increase, but on the second occasion, they added certain requirements which they thought should be a part of an increase in the tax rate. The first time they did and the second time they did not. What their position is now, of course, I am in no position to say.

ASSEMBLYMAN RUMFORD: I see. Then your feeling is that this 1.6 will serve at least, until we get adequate enforcement under the present conditions?

MR. DUNN: I believe it will. I believe that nobody, especially a Supervisor, likes to increase a general county tax rate for a purpose outside the only incidental scope of government. Of course, this is a part of the general county tax rate. It is not segregated as a special tax, so I do not think any of us on the Board wants to increase the rate any more than we need, and at the same time we do want to increase it enough so that we can do the job that we are delegated to do. If in some future time because of increased costs of increased problems, it is necessary to come again to the Legislature and ask for an increase, that is the time to do it. It is not necessary to ask for much more than we need on the assumption that we may need it and should have it, although frankly, I think that the members of the City Councils that I represent on our Board as well as the members of the Board of Supervisors are extremely frugal in their approach. Even if you took the limit off the tax rate altogether I do not think you would find them spending any more money than is absolutely essential for the purpose of achieving air pollution control in the Bay Area.

CHAIRMAN THELIN: Thank you. Assemblyman Marks has some questions, Mr. Dunn.

ASSEMBLYMAN MARKS: Mr. Dunn, exactly how much money will come in if the tax rate were increased? What is the total amount that would be increased?

MR. DUNN: I think somewhere around \$307,000.

ASSEMBLYMAN MARKS: Would the extra amount be used for extra personnel?

MR. DUNN: It would be used for extra personnel. I do not believe all of it would be used in the first year or two. It may be that we will never get all of this amount.

ASSEMBLYMAN MARKS: Well, now, would you use all of the amount you collected by the increase? Would you use \$388,000?

MR. DUNN: We could not use it in the first year because I do not think we could fill the positions, point one.

ASSEMBLYMAN MARKS: You would have a surplus, then?

MR. DUNN: I would think we would not use it unless there developed serious violations and a lack of willingness to accept the regulations which would require perhaps, a great deal more of the staff's time in answering complaints which, of course, would come from the general public and from those that are in compliance. If we get the cooperation that we have been getting up to this point, I doubt if we would use all the money.

ASSEMBLYMAN MARKS: The reason I asked you that question, Mr. Dunn, the bill specifically says that the rate of tax fixed pursuant to this section shall not be fixed in such a manner so as to result in a surplus for any fiscal year. How would you get around that provision of the bill if, in fact, you did not use all the money that you were able to collect by increasing the rate?

MR. DUNN: Well, our budget would estimate the amount of

expenditures we would require. Our Budget and Finance Committee and eventually the entire Board of Directors would approve the Budget based on the number of positions in the budget. That would be the estimated amount of revenue we would need. We would then notify, under the provisions of the Act which I read earlier, the Boards of Supervisors what their share of this Budget would be. I would point out that I know exactly the history that for the first 2 or 3 years when we did not have regulations to enforce that we did not even go up to the 1¢. After the regulations came in there and were necessary to be enforced, the staff was employed, laboratories were created and libraries and other things and then we eventually got up to the 1¢. That is the same kind of thing that would happen here.

ASSEMBLYMAN MARKS: As I understand then, you would not raise it to the maximum. You would raise it to what actually was needed?

MR. DUNN: Yes.

ASSEMBLYMAN MARKS: If, in fact, you were given authority to do this, there would be no surplus left over? Would any of this money be used to increase the compensation of existing personnel?

MR. DUNN: I presume it might, if the increased compensation of comparable positions were brought about. For instance, we have a basic policy with regard to office employees, that is, the typists, clerical help and so on. We pay the San Francisco City and County standards for comparable positions. Now, if San Francisco were to increase its salary schedules for those

positions, I presume the Air Pollution Control District would do the same thing. With the technical help, then it is a matter of a different kind of competition. In order to keep employees, we would have to look at the competition generally from private industry, from colleges and universities, and technical laboratories, to find out how much we would have to pay to fill the position.

ASSEMBLYMAN MARKS: Can you estimate at this time about how many new positions would be filled if the increase were granted? How many new positions you feel are necessary?

MR. DUNN: Mr. Chess said about two in each county which I believe would be about right. It may be that we might have more than two in Alameda or San Francisco County and less than two in, let's say Marin County. We have four basic highly developed industrial counties; Alameda, San Francisco, Santa Clara and Contra Costa. Marin is less industrially developed and because of the fewer number of sources of pollution, it might not be necessary to keep two men in the field in Marin County. It might be necessary to keep more than two men in any one of the other counties. I would say an average of about two in each county.

ASSEMBLYMAN MARKS: Thank you very much, Mr. Dunn. Mr. Rumford has a question.

ASSEMBLYMAN RUMFORD: Francis, you were at one time Chairman of the Board of Directors, were you not? Who does the auditing of the Board's fiscal procedures?

MR. DUNN: The short answer is the Controller of San Francisco, Mr. Rumford.

ASSEMBLYMAN RUMFORD: The Controller? He is a more or less a Controller, in a sense?

MR. DUNN: Yes

ASSEMBLYMAN RUMFORD: The Grand Jury then, does not audit the books, in any sense?

MR. DUNN: No. The law provides that we can appoint a Treasurer for the District. It must be one of the County Treasurers or something of that sort.

ASSEMBLYMAN RUMFORD: Well, then, in this case it is Mr. Ross.

MR. DUNN: We have included Mr. Ross who is the Auditor-Controller for the City of San Francisco.

ASSEMBLYMAN RUMFORD: I know in formation of the District, there was quite a bit of discussion about who then, would have the position of auditing the books and all. I am not too sure that this is sufficient. This may be, but Mr Ross then reports to the Directors. He is responsible only to the Directors?

MR. DUNN: He is responsible to the Board of Supervisors.

ASSEMBLYMAN RUMFORD: Yes.

CHAIRMAN THELIN: Any further questions from the Committee? Assemblyman Hegland.

ASSEMBLYMAN HEGLAND: Francis, I would like to ask the same question, since Mr. Bradley is not here, that was put to you before. If a County Board of Supervisors in this area,

generally speaking, are sympathetic with an increase, why do not the Board of Supervisors, either under existing legislation or proposed legislation, vote out of their own general funds money directly to the Air Pollution District? Now, I forget your previous answer to that question, but I recall, we went round and round on this before a County Municipal Government Committee. Let us take the case of your own Board of Supervisors. Would they be willing now to authorize additional funds from your own budget to the Air Pollution District?

MR. DUNN: I could not answer that, Mr. Hegland. Before this District was created, each county had the authority to resolve itself into an Air Pollution Control District in each county. This is, of course, what they have in Los Angeles, under their County Board of Supervisors. Santa Clara did have an Air Pollution Control District. I am informed now that the county no longer has authority to set up its own separate Air Pollution Control District. It is a member of the Bay Area Pollution Control District. Whether, under those circumstances, they would be prohibited from levying a tax for air pollution control, I would have to defer to some legal minded advisor to get the answer. My guess is they probably could not.

CHAIRMAN THELIN: Any further questions from members of the Committee? Apparently not, so thank you, Mr. Dunn. The next name on our agenda is the Honorable Claude B. Hutchison. Mr. Hutchison, would you come forward please Will you please state your name and representation, for the record?

MR. HUTCHISON: Mr. Chairman and members of the Committee, my name is Claude B. Hutchison. I am presently the Mayor of Berkeley, but I am appearing here today on behalf of the Association of Bay Area Governments in my capacity as the President of that Association.

The Association of Bay Area Governments was formed under the Joint Exercise of Powers Act of the State of California early this year as a voluntary organization of county and city governments in the San Francisco Bay Area. The functions of the Association are (1) the identification and study of metropolitan and regional problems, functions and services; (2) the review of proposals for metropolitan area or regional units or agencies; and (3) the making of policy or action recommendations on the foregoing. Currently, fifty-seven cities out of the eighty-five cities in the nine Bay Area Counties, and six of the nine Bay Area counties are members.

The General Assembly, which is the policy-making body of the Association is composed of county supervisors, mayors and city councilmen. Each member county and city has a seat in the General Assembly. Reports by five standing committees--Regional Planning, Regional Recreation, Air Pollution Control, Water Pollution Control, and Transportation--were heard and were approved in the September meeting by the General Assembly, thus establishing the first policy positions to be adopted by the Association.

The Association provides the instrument for a general and over-all consideration of the regional activities of national,

state and local governments. From our viewpoint it is extremely significant that the Association's policies are the result of joint county-city efforts, opinions and decisions. In all phases of our deliberations--namely, the Air Pollution Control Committee, the Executive Committee and the General Assembly--county supervisors, mayors and city countilmen have jointly developed the Association's policy statement on air pollution control.

The Air Pollution Control Committee of our Association has concluded that the present District budget, which is based on a \$.01 tax rate, "will not permit the addition of enforcement personnel in a measure adequate to provide sufficient field inspectors to bring about essential and effective enforcement." We understand that the District has only three field inspectors to serve six counties, although we do recognize that some of the personnel in the Technical Division, as well as in the Enforcement Division, engage in enforcement activities. It is evident that effective enforcement of the District's Regulation Nos. 1 and 2, established under provisions of the State Health and Safety Code, will require an increase in staff and field personnel.

Based on the findings and recommendations of the Air Pollution Control Committee, the General Assembly approved the support of legislation comparable to the tax increase authorization proposal embodied in AB 1228, which was considered, but not adopted, by the 1961 State Legislature. The General Assembly directed that this Association policy be presented to appropriate interim committees of the State Legislature in the interest of

the public health, safety and welfare of the people in the Bay Area. As you know, AB 1228 would have raised the maximum tax rate from its present \$.01 to \$.016 for the fiscal year 1961-62 and to \$.02 for the fiscal year 1962-63 and thereafter. It is important to point out that such a new maximum rate probably would not be fully utilized until some time in the indefinite future.

Representatives of the District appeared before our Executive Committee last week, giving further explanation of their enforcement activities and amplifying on the desire of the District Board of Directors to have this matter placed on the Special Call for the 1962 Session of the Legislature. Accordingly, the Executive Committee voted unanimously to support the District Board of Directors in asking legislation authorizing the District to increase its tax rate "during any one fiscal year not to exceed \$.016 on each \$100 of assessed valuation on all property included in the District and that such legislation be effective this year and thereafter." Although your Committee has not asked for testimony on Special Session Call items for 1962, we feel compelled to advise you of our action, inasmuch as it does indicate our concern over the need for a prompt increase in the level of enforcement.

Inasmuch as ample testimony has been or will be presented to you of a technical and supporting nature, we have limited our testimony to the policy as adopted by the Association. On behalf of the Association, I wish to express our thanks for the opportunity to appear before this Committee.

CHAIRMAN THELIN: Thank you, sir. Are there any questions from the Members of the Committee? Apparently not, so we will thank you for your testimony and excuse you.

Our next witness will be Mr. Paul Arnold. Mr. Arnold, please come forward. Will you sit down sir, and state your name and affiliation for the purpose of the record, prior to giving your statement.

MR. ARNOLD: Mr Chairman and members of the Committee, my name is Paul F. Arnold. I am Resident Manager of United States Pipe and Foundry Company located in Union City, California.

Having actively supported and participated in the formulation of an effective regulation which specifically sets forth the standards and prescribes a uniform method of testing for compliance, we would be remiss not to provide the funds required for efficient administration and uniform effective enforcement.

The present 1¢ tax per \$100 of assessed evaluation may have been adequate to set up the District, collect data, promulgate regulations, and should be adequate to carry on this same work which must be continued until all sources of air pollution are under control.

In the meantime, the regulations now on the books must be administered and enforced, and therefore we believe that the proposed increase to 2¢ in two steps as proposed in AB-1228 is reasonable. It always remains our duty to see that tax money is judiciously spent for meaningful purposes.

CHAIRMAN THELIN: Mr. Arnold, you apparently are advocating the increase to two cents rather than stopping at 1.6¢. Is that correct?

MR. ARNOLD: I don't think any of us like to go back to our boss and ask for money to be expended, but with more regulations coming on the books, I could see that probably the 1.6¢ could fall short of meeting the need of enforcement.

CHAIRMAN THELIN: Mr. Rumford.

ASSEMBLYMAN RUMFORD: Where is your company located?

MR. ARNOLD: Union City, the Dakota District of Union City.

ASSEMBLYMAN RUMFORD: South Alameda County.

MR. ARNOLD: Yes.

ASSEMBLYMAN RUMFORD: Would you give us some indication of how much money has been spent there to correct the air pollution sources from your business.

MR. ARNOLD: Well, we spent between \$5 and \$600,000 in getting compliance. The difficulty being that it was an established plant and had been there for ten years. There were many modifications necessary to accommodate the air pollution control equipment. Had it been included in the plans originally, it might have been done for \$250 - \$300,000.

ASSEMBLYMAN RUMFORD: This was a voluntary effort on the part of your own corporation?

MR. ARNOLD: Yes, it was. We waited until we found what the ground rules of the game were going to be because we did not have in mind spending money on something that would fall short of meeting the regulation when it did come through.

ASSEMBLYMAN RUMFORD: Well, I just want to take this opportunity to congratulate you and say that we are proud of the interest that you have shown in trying to rid the area of air pollution, to the extent that your corporation has done. I think this is commendable.

CHAIRMAN THELIN: There being no other questions, we will excuse you, Mr. Arnold, and thank you for appearing.

The next witness is Dr. Seymour M. Farber. Dr. Farber.

DR. FARBER: My name is Dr. Seymour M. Farber, Clinical Professor of Medicine at the University of California Medical Center, and I am Assistant Dean for Continuing Education at the same institution. I am appearing here today as a private physician who works in the field of chest diseases. We speak a great deal about the effects of air pollution on the skin, the eyes, nose and throat, and I would like to draw the attention of this committee to another area - the diseases of the chest.

Of all the environmental factors to which man is exposed, none is so intimate as the air he breathes. The normal adult passes a minimum of five million quarts of air a year across his respiratory lining into the very smallest areas of his lung. For exceptionally active individuals, this figure, of course, comes considerably higher. Even the sedentary individual will breathe in his lifetime considerably more air than the cubic capacity of Madison Square Garden or the Los Angeles Coliseum.

Nor is this environment constant. It varies considerably in oxygen content, temperature and humidity. It carries a great range of foreign substances --bacteria, allergens, gasses, fogs,

radioactivity and various kinds of particulate matter.

Everyday evidence accumulates that many diseases originate in the environment of the individual just as surely as tuberculosis originates in exposure to tubercule bacilli, with individual resistance playing a comparable role. Hence, one of the central problems which must dominate research in medicine in the foreseeable future, and which will increasingly enter into our thinking about medicine, is the relationship of environment to health. We are on the threshold with regard to the most acute environmental problem; namely, the relationship between air pollution and respiratory disease.

Air pollution is both an acute and chronic medical problem. The possibility of acute disease processes resulting from very heavy concentrations of pollutants has long been recognized. Sudden pollution with unfavorable meteorological conditions caused 60 deaths in the Meuse Valley as long ago as 1930. Since the war such catastrophes have become more frequent. To mention a few, twenty people died in Donora, Pennsylvania, in 1948 during a four-day episode of severe pollution, and 22 died in Poza Rica, Mexico, in 1950 in a period of only an hour. Mortality studies suggest that about 4,000 persons died within a period of five weeks as the result of a very dense "fog" that struck London in 1952.

But diseases resulting from brief periods of severe pollution, and diseases resulting from specific industrial pollutants are only outstanding episodes serving to call our

attention to air pollution as a chronic disease-making condition which is very nearly omnipresent in modern societies. One of the most important problems in medicine today is the low-level but chronic poisoning of our atmosphere by dozens of chemical processes characteristic of an advancing civilization, a poisoning which has its effect only over the course of many years, but which nonetheless inexorable cripples and kills.

I would like to draw attention today to the relationship of Air Pollution and Non-Malignant Respiratory Diseases. It is necessarily statistical. Impressive studies have been published in England calling attention to the geographical distribution of chronic bronchitis, pointing out that the severity of this disease correlated roughly with the degree of urbanization and the prevalence of weather conditions favorable to air pollution. In 1958 Reid & Fairbairn in England published a study of a specific occupational group, the mailmen, for which health records were available on a national basis, and found within this group striking differences in susceptibility to bronchitis, depending upon the prevalence of fog and, presumably, pollutants kept close to the earth as a result.

Particularly striking has been the experience of American military personnel stationed near Yokohama among whom a chronic and progressive atypical asthma has become virtually endemic. The heavy industry in the neighborhood, the smog-producing topography, the relief of symptoms when patients are moved out of the area, all of these make it virtually certain that this atypical asthma is a response to polluted atmosphere.

Might I point out, if you have been in Yokohama, there is considerable similarity in geographic set up to our present Bay Area set up.

We have substantial evidence that unexpectedly heavy smog can trigger asthmatic attacks. A notable piece of such evidence comes to us from Australia, where it is reported that hundreds of acute asthmatic attacks occurred within a very brief space of time as a result of a temperature inversion, which prevented the usual dissipation of polluted air.

Now, to another area which has attracted far more attention: Air Pollution and Cancer. The connection between air pollution and cancer of the respiratory system is as sure as statistical studies can make it. Studies from all parts of the world converge upon one conclusion, that air pollution plays a substantial role in the development of lung cancer. Stocks and Campbell, investigating lung cancer incidence in Liverpool and Wales, found an excess of lung cancer deaths in the urban population over the rural at every classification of smoking habits. The Thirty-third Annual Report of the British Empire Cancer Campaign for the year 1955 reports that among non-smokers the urban-rural ratio for lung cancer deaths in that year was about nine to one. There were nine cancer of the lung deaths compared to one if a person lived in a city or appreciable town where there was air pollution. Mills, in a survey of lung cancer deaths in greater Cincinnati, points out that the number of miles driven annually in urban traffic is of significance. He asserts, "In general, urban residents exposed in

urban traffic for over 12,000 miles per year exhibit over twice the lung cancer incidence rates of those with lesser driving mileage."

A problem of definition plagues all statistical studies in this area of investigation. What do rural and urban mean when applied to air pollution? The farmer living a hundred feet or so off a super-highway may be living in a far more "urban" environment insofar as the air he breathes is concerned than many city dwellers.

In other words, there is no escaping the air we breathe if we are near highways, near industry or near any of the efforts of modern civilization as it advances to contaminate our air.

This is but a brief statement of a few facets of a difficult medical problem. Air pollution constitutes two problems, not one. The first problem is obvious: we must pursue our current investigations, because ultimately we and our successors will understand the relationship between air pollution and respiratory disease. But a second problem is the application of the knowledge that we already have. We already know that air pollution is a hazard to health, and a severe hazard, although we cannot measure the degree of its severity nor can we explain all of the mechanisms involved. Our second problem, consequently, is the elimination of air pollution to the maximum possible degree.

CHAIRMAN THELIN: Thank you, Dr. Farber. I guess we can conclude that you favor the increased tax rate.

DR. FARBER: I feel that you can do that, very definitely.

CHAIRMAN THELIN: Any questions from the committee

ASSEMBLYMAN RUMFORD: Dr. Farber, do you feel that we are moving fast enough in this particular field in the scientific aspects of the problem as well as control?

DR. FARBER: I feel both areas are in need of urgent speed. I feel that in both areas we are not moving fast enough.

ASSEMBLYMAN RUMFORD: Now, in your studies, have you isolated from the types of pollution that specific element which might be causing cancer, to any larger degree than any other element of air pollution?

DR. FARBER: In England, they have done very remarkable work on 24 benzopyrene and have shown in animal studies that this is highly carcinogenic. It is very common in the atmosphere in England, as well as here but there are many other pollutants in the air. There may be several hundred that have carcinogenic properties. It is a very complex subject and it may be that certain chemicals will trigger mechanisms in one person and not in another person, but most certainly, we can say that in the air we breathe we have a large number of potent carcinogenic agencies.

ASSEMBLYMAN RUMFORD: Then, we can in no way, then relax our restrictions on the implementation of our laws which we presently have?

DR. FARBER: Sir, the amount of lung cancer, as you know, has increased dramatically. Perhaps no cancer of the body has increased as rapidly in the last three decades. From a relatively rare disease thirty years ago, it is now one of our most common lung problems. This increase apparently continues. As a result of that, those of us who are working with lung cancer feel a definite urgency as regards increased research in the field of air pollution as well as increased control.

CHAIRMAN THELIN: Thank you very much. I think that is very clear Dr. Farber, may I ask you this? Is the incidence of lung cancer in an area such as Los Angeles where we have an air pollution problem that is greater, I think, undoubtedly than in other parts of the state...is the incidence of lung cancer there much higher than in other parts of our state?

DR. FARBER: We do not have those figures. At least, I do not have those figures. There are certain areas that I can discuss. One is that the increase in Los Angeles has been marked, but it has also been marked here. The second thing is that certain groups are shown in a very high incidence in Los Angeles and I mention specifically the women of Mexican origin who show almost as much lung cancer as the men do. Now normally, about eight men to one woman have lung cancer, but it is almost 50-50 in Los Angeles. The remarkable thing is that Prof. Ella Cohn at the University of Mexico City tells me that for the woman of Mexican origin living right there in Mexico City, it is almost a rarity to find lung cancer. The question then comes up,

where are these women of Mexican origin living in Los Angeles? And I think you all know the answer.

CHAIRMAN THELIN: Thank you very much. Are there any other questions from members of the committee? Apparently not. Thank you very much for your testimony. The next witness is Mr. Harold Lindsay.

MR. LINDSAY: My name is Harold Lindsay. "I reside in Los Altos Hills on the Peninsula, and I am employed by the Ampex Corporation in Redwood City as technical advisor to the founder of the company and the Chairman of the Board of Directors. I appear here today because he, regrettably, could not be present, so I will read his statement, with your permission.

"I address you as the founder of a large electronics firm which is typical of many that have located in the Bay region. The decision of managements of industries of this type to locate here, has been influenced by the many unique advantages offered by this area. Certainly not the least of these has been the outstandingly desirable living conditions, and especially the climate. This added up to placing these industries in a most privileged position, namely: they had an excellent opportunity to attract top talent for employment.

"In past years climate was judged by the relative amounts of sunshine, rain, wind, etc., in their relation to agricultural productivity and human health and comfort. However, a new factor has appeared in recent years, namely: air pollution.

"We at Ampex believe strongly that air pollution can affect human health. The question arises, however, as to what level contamination must reach before this occurs. There must be concern, also, for the long range exposure and accumulative dangers. For example, at the turn of the century the detrimental effects to health of the then new X-Ray were not known. More recently these same concerns arose in connection with nuclear particles and radiation as well as with certain chemical poisons. Certainly the long range effects of new and unnaturally occurring substances cannot be immediately observed.

"That atmospheric pollutants have a deleterious effect on plant life, is without question. Many cases of crop damage have been observed in areas of high pollution. Since all living cells including those of man, animals and also plants, have certain similarities, these toxic results may well be extrapolated to the human area. Reasonably conclusive evidence has been obtained to substantiate this. For example, as reported in New Medical Material Magazine of July, 1961, the death rate in Chicago, an area of substantial atmospheric contamination, per 100,000 women from heart and lung diseases, runs 420 as compared with 130 for an area of lower population density.

"Since human health is priceless, it should have the highest priority of consideration. That this is generally recognized is evident by the existence of pure food and drug laws and governmental departments concerned with public health. The air pollution problem should be treated with the same

firmness and expediency. Air is vital to us all. Its preservation in an uncontaminated state should be a primary concern of everyone.

"We believe in view of the foregoing there should be no objections to spending an adequate amount in an effort to achieve a fully corrective and comprehensive program of control. We, therefore, most sincerely recommend your favorable consideration with respect to legislation raising the present tax limit to 1.6¢ on each \$100 of assessed valuation as recommended in the November 1st resolution of the Board of Directors of the Bay Area Air Pollution Control District.

"In addition to the possible health problem the present levels of pollutants have generated sufficient smog to have impaired vision of trans-bay vistas of this otherwise beautiful area. This has already reduced the enjoyment and desirability of this area as a place to live.

"With respect to my personal feelings, if the air pollution problem in the Bay Area is not resolved, I will have to make plans to establish my own residence out of the smog area. Obviously, the expense of such a move will far exceed any additional burden of taxes required if the problem is resolved."

CHAIRMAN THELIN: Does that conclude your statement. Mr. Lindsay?

MR. LINDSAY: Yes it does.

CHAIRMAN THELIN: Mr. Marks.

ASSEMBLYMAN MARKS: I assume that the move that you are talking about is just a move of this gentleman, but not of the Ampex Corporation.

MR. LINDSAY: Yes, it is. We have just recently, as a corporation, committed ourselves to a building program. The decision to not locate at the Stanford Industrial area, was recently announced by the press. The decision, I should say, of our Board of Directors was to expand and improve the facilities on our Redwood City site, also acquiring more property there. They have committed themselves to a \$5 million building program, extending over the next few years, starting within 90 days.

CHAIRMAN THELIN: Are there any other questions? Mr. Rumford.

ASSEMBLYMAN RUMFORD: You made such an emphatic statement, I am just wondering if this smog condition has had any direct effect on your health there presently.

MR. LINDSAY: Well, this is not my statement. I am reading, of course, Mr. Poniatoff's.

ASSEMBLYMAN RUMFORD: Yes.

MR. LINDSAY: He resides in the area of Atherton which you, perhaps, are acquainted with and one of his reasons as I understand it, for having located his residence there, were the fine living conditions at that time. The level of pollutants in the atmosphere were not particularly disturbing to people of that area. They since have changed to a point where they are disturbing.

ASSEMBLYMAN RUMFORD: They are increasing.

MR. LINDSAY: Yes.

MR. LINDSAY: Yes.

ASSEMBLYMAN RUMFORD: Thank you very much.

CHAIRMAN THELIN: There are no other questions, Mr. Lindsay, so we will excuse you at this time. Thank you for appearing.

MR. LINDSAY: Thank you, Mr. Chairman.

CHAIRMAN THELIN: The next witness is Mr. John A. Phillips. Mr. Phillips.

MR. PHILLIPS: Mr. Chairman and members of the Committee. My name is John D. Phillips. I am the City Manager of the City of Berkeley. I am here to present to you this morning the Resolution of our City Council on this matter. At their meeting on November 21st, the Council adopted this Resolution which I will not read to you in full, but I will leave it with your Secretary and read merely one paragraph of the Resolution, i.e., "BE IT FURTHER RESOLVED, that this Council will support the Bay Area Air Pollution Control District in its efforts to obtain legislative approval for additional funds for an adequate enforcement program." Now, there is much more to this Resolution, but this indicates the policy of our Council that we believe there should be adequate enforcement and that we are supporting the Air Pollution Control District in its request to this body. It is just as simple as that, Mr. Chairman. If there are any questions, I will be happy to answer them.

CHAIRMAN THELIN: Has your Council taken any stand as to how much the increase should be?

MR. PHILLIPS: No. They believe that this is a matter that they do not have the detailed information on and they rely upon the District to make that recommendation. As you know, the Directors of the District are all Supervisors and Councilmen who are appointed by Boards of Supervisors, and by the City Councils and each of the counties and I think they have full confidence in their Directors.

CHAIRMAN THELIN: Did your Council support Mr. Rumford's bill this year in the Legislature?

MR. PHILLIPS: They took no action on it at that time.

CHAIRMAN THELIN: Are there any questions of Mr. Phillips? Mr. Rumford.

ASSEMBLYMAN RUMFORD: What has been the attitude of the people in Berkeley with respect to the present enforcement program of the Air Pollution Control?

MR. PHILLIPS: Well, I think the general attitude is that they would like to have more enforcement. The feeling is that the regulations have been adopted, but that there has not been adequate enforcement of the regulations that have been adopted.

ASSEMBLYMAN RUMFORD: I see. Occasionally, we read in the papers where someone comments upon the air condition on certain particular days. I was wondering if you had received phone calls and comments on this. I do, occasionally.

MR. PHILLIPS: We do occasionally, too. We have our bad days there, as you know, when there is smog and when that happens, we occasionally get phone calls on it.

CHAIRMAN THELIN: Thank you very much, Mr. Phillips.

We will now call Mrs. Eric Nielsen. Mrs. Nielsen. Will you proceed, Mrs. Neilsen.

MRS. NEILSEN: Yes, thank you. Gentlemen, my name is Mrs. Eric Nielsen. I am here to speak for the membership of the League of Women Voters in the Bay Area. This organization includes the twenty Leagues in the nine Bay Area counties.

The Leagues of Women Voters of the Bay Area was established to coordinate studies made by these Leagues of problems which are regional in character, in that they affect the whole Bay Area. We began by identifying these regional problems, such as air and water pollution, transportation, recreation, parks and open spaces. Next, we noted the characteristics they shared in common. Primary among these were (a) an area too large for one local government to handle and (b) an excessive financial burden on a single community.

Included in the consensus of our initial study were two conclusions appropriate to the discussion today: first, "that there is need for a regional approach to government in the Bay Area for the solution of those problems which are area-wide in character," and, secondly, "that the governing boards of area-wide agencies, units, or districts should be responsive to and representative of local constituent units."

Our study developed into "an evaluation of current

proposals relating to metropolitan government in the Bay Area." As part of the study, meetings of the Board of Directors of the Air Pollution Control District were attended by observer members of the League. The criteria for evaluation of regional governmental units were based on examination of Desirability, Effectiveness, and Responsibility & Representation. Desirability was shown if the problem was area-wide in nature and transcended the boundaries of existing local jurisdictions. Effectiveness of an agency was judged on the basis of powers clearly defined and adequate for the performance of its assigned functions. The agency, also, should be provided with adequate revenues, with the burden of financing equitably distributed throughout the area. The agency's boundaries and jurisdictions should be clearly defined and comprise a geographic area large enough to permit effective exercise of its functions. Responsibility to the electorate and Representation of local governmental units was judged, according to our consensus, to be best expressed through a constituent unit system of representation.

The study processes which I have described led to the conclusion by our members that effective regional solutions to regional problems may be achieved when the above conditions exist and adequate financing is provided. The Leagues of Women Voters of the Bay Area Air therefore support an increase in the taxing power of the Bay Area Air Pollution Control District. It is our understanding that the increase in funds will improve the effectiveness of the District's enforcement

program. The growth of population and industry in the Bay Area has emphasized the need for increased enforcement of the regulations governing air pollution. Since the establishment of the District and the enactment of Regulations against open burning and incinerator emissions, some offending elements have been curbed, but it is obvious that the problem has not yet been solved. An expanded enforcement program is needed to ameliorate this aggravating region-wide situation.

In April, 1961, the Leagues of Women Voters of the Bay Area wrote to the Assembly Municipal and County Government Committee urging support of AB 1228, raising the taxing power of the District to 2¢ per \$100 assessed valuation. The 1.6¢ now requested by the Board of Directors is therefore acceptable to us, in respect that it is no higher.

There has been no poll of the membership on the specific question of the authority to whom enforcement should be delegated. A system of enforcement through local units with subsequent reimbursement from the District seems admissible if that is the only way increased funds for enforcement can be acquired. However, it is the feeling of the Executive Committee of the Leagues of Women Voters of the Bay Area that effective enforcement can best be achieved through a system directed by a single governmental unit, in other words, the District itself.

On the basis of our studies, the Leagues of Women Voters of the Bay Area believes that the District has made a commendable start towards the solution of the area-wide problem of air

pollution. We also believe that further expansion of the District's program is necessary, and we should not like to see the program hampered by lack of funds. Therefore, we respectfully urge that, at the coming session of the Legislature, an increase in the taxing power of the Bay Area Air Pollution Control District be favorably considered.

CHAIRMAN THELIN: How long has your group been studying this particular problem, Mrs. Nielsen?

MRS. NIELSEN: Well, not all the League, but a majority of them have been studying it for three years.

CHAIRMAN THELIN: I see. I see. Are there any questions of Mrs. Nielsen? Mr. Rumford.

ASSEMBLYMAN RUMFORD: Mrs. Nielsen, did the Contra Costa League or Richmond or some of the cities in Contra Costa County take a position on this tax increase?

MRS. NEILSEN: Yes, it is the concensus of all of the Leagues, a majority of the twenty Leagues. Yes, they were in favor of it.

ASSEMBLYMAN RUMFORD: I assume they did inform their representatives in the Legislature?

MRS. NEILSEN: You mean at which time? You mean in April?

ASSEMBLYMAN RUMFORD: Well, in April and even now.

MRS. NEILSEN: Usually it comes from the executive committee.

ASSEMBLYMAN RUMFORD: You speak of the effectiveness of responsibility and representation, desirability, etc.... as you can well see, we have established a regional district in which

the powers of the District are sometimes vetoed by the local representatives of a local area, and I was just wondering if the League has taken a look at or made a study of this type of governmental action. Here, we have the Legislature on one hand attempting to enforce upon an area the desires of certain participating groups in the area, and then we find certain other participating groups within the District refusing to act and hence, you have a District which is ineffective.

MRS. NIELSEN: Well, I think you can see it is the same way as with anything else.

ASSEMBLYMAN RUMFORD: But, we had this and had we been able to exercise the thinking of the Director of the Board, we would have had two points perhaps, an increase of 1¢; however, when you bring this to Sacramento where you have some 75 members or less, perhaps 60, we will say, who are not particularly concerned about how the District is run, but want rather a degree of harmony, we could not convince these men that this was good legislation for the entire district. In other words, it appears to me that if we are going to have a regional government which is to be effective, then the Director is going to have to be able to be responsible for its own acts, and be able to act and not have this veto power from these groups within the structure. I am just wondering if the League has taken that into consideration. I do not know what the answer is, but if we are going to have regional government in transportation and smog and water pollution and all these other areas of common

interest, somewhere somebody has got to be able to act specifically in the interest and be responsible for their own acts which I do not think is true in this particular case at the present time. Just another question for study.

CHAIRMAN THELIN: Assemblyman Hegland wishes to ask a question.

ASSEMBLYMAN HEGLAND: I was not going to, but Mr. Rumford put his finger on the basic question for those of us who do not live in this area and have been considering about regional government generally. Now, you say that you believe in the constituent unit area representation for regional government which I assume you mean that the elected body for each participating agency should be appointed by the people who are in charge of the District. I am sure all of us would agree that this is better than having these people appointed by the Governor. But now then, is the constituent unit of representation, in American theory, is this as good a representation as the representation of people who are directly responsible to individual voters?

MRS. NIELSEN: I think we favored the vote - the constituent unit represented before the customary boards that are set up now. I mean to say, we do not rule out the possibilities of other types being appointed by the Governor or direct election. I think that we felt that so far as district elections are concerned, people pay a great deal of attention to someone who is elected.

ASSEMBLYMAN HEGLAND: So your League believes in the case of this kind of regional government - maybe for all kinds of regional government, that the best way that we can control such districts in the democratic way of thinking is to have the people appointed by elected boards not responsible to the voters instead of having them elected by the voters and responsible directly to the voters. Have I summed up your position?

MRS. NIELSEN: Yes.

ASSEMBLYMAN HEGLAND: The next and final question, then, is this a general policy of your own local Leagues for all regional government as transportation or anything else that comes along?

MRS. NIELSEN: Yes. We feel that when it is an advisory board, it is not so necessary that it be a constituent unit representation. For instance, when the Regional Planning District was introduced we thought that there was a possibility that some of the people on that board could be appointed either because of their experience in planning or because of being civic minded persons who were interested in the welfare of the whole area. That district was to be advisory only and they would be appointed.

ASSEMBLYMAN HEGLAND: Do you see any dangers, though in having people with enforcing powers - a Board which is really a government, none of whose members are elected directly by the people in that area? Do you see any dangers here?

MRS. NIELSEN: Do you mean if the people on the board were appointed by elected officials?

ASSEMBLYMAN HEGLAND: That is right. Instead of being elected by the electors.

MRS. NIELSEN: I do not believe we feel that there is any danger.

CHAIRMAN THELIN: Are there any other questions of Mrs. Nielsen? Assemblyman Marks.

ASSEMBLYMAN MARKS: I just want to point out this to Mr. Hegland. I am sure he recognizes that there are numerous boards and commissions in state, local and federal government where the people in charge of those boards and commissions have strong powers and they are not directly responsible to the electors. They are appointed by somebody who has been elected by the electors.

CHAIRMAN THELIN: We seem to have stimulated a debate here in any event, Mrs. Nielsen. Unless Mr. Hegland wants some rebuttal.

ASSEMBLYMAN HEGLAND: Just one.

CHAIRMAN THELIN: Here we go!

ASSEMBLYMAN HEGLAND: The State Highway Department is very popular in San Francisco, as you know Milton -

ASSEMBLYMAN MARKS: I'm not saying this is a great thing. I am just pointing out the situation. This is not unusual. I was coming to Mrs. Nielsen's defense if she needs defense.

CHAIRMAN THELIN: Thank you very much, Mrs. Nielsen.

The Chair now would like to take this opportunity to introduce the Chairman of the Motor Vehicle Pollution Control

Board, Dr. John Middleton. Dr Middleton, would you arise so everyone can acknowledge your presence here. Thank you.

Is Mr. Francis Aebi in the audience?

MR. AEBI: Mr. Chairman, my name is Francis Aebi, 509 Brookside Drive, Richmond. I own and operate a range of green-houses there.

This has been my residence and place of business for the past 30 years. My business is an agricultural enterprise, the crop I produce is cut flowers, mainly roses, for florists' use. The location of this business, west of San Pablo and North of Richmond by about a mile each way, was chosen 30 years ago because it was unique, for high light intensity, cool summers and other favorable factors. Intensified industrial development gradually transformed the atmospheric conditions until about 1950 when the tempo of deterioration approached the threshold of alarm. It was from this date on, that the true definition of alarm became apparent. I learned because I did see these things with my own eyes, that almost any industry could dispose of anything at any time by dumping to the atmosphere. I have seen countless times when air reeked with the stench of pollutants to the point of despair. I have seen the paint of dwellings oxidized over night. I have seen every conceivable material burned at the Richmond Garbage Dump. Dead dogs from the city pound, sacks of sulphur, arsenic containers, raw garbage, you name it, I have seen it. I have seen my own roses in my green-houses burned as if a blow torch had been put to them. I have seen almost every weed and blade of grass in a 5 mile radius

burned by acid aerosol droplets, and I have seen every living plant within a mile and a half of a certain chemical company burned. All of these instances I mention can be documented, they are a matter of record. However, it is not the purpose of this report to dwell upon this aspect. The purpose for mentioning these things is to point out that there was nothing a citizen could do for help, other than legal action. There was absolutely no public official who would do much more than shrug his shoulders. It appeared as if the offenders had political asylum, which further accentuated the hopeless deplorable condition.

With the formation of the Bay Area Air Pollution District, a transition did seem to evolve. This was slow at the outset with no noticeable improvement until the ban on open burning was enforced. From that time until today it is my opinion that although oxident levels are high at times, the numerous specific pollutants which were so costly and annoying to me have diminished considerably. Now when an incident does occur, and pollutants are suspected to be dangerous to either health or plant life, we can call up the Air Pollution District for help. Upon these occasions air samples are collected and analyzed for toxic content. To have an agency with facilities and personnel to perform such a service, promotes conditions vastly different than that which we had before its inception. I believe this transition is one which taxpayers should be proud of. Although the improvement is commendable, there still is plenty of junk in the air and plenty of work for the District to do. The area of enforcement does seem to be a weak link and it appears to border on false

economy to maintain the District without broad enough scope to effectively utilize all personnel and facilities. To make my point, we can all well imagine the California State Division of Motor Vehicles without patrol officers to enforce the laws.

As a business man I am confronted with the basic problem of a rightful profit from my business. In our present economic climate I am well aware of all the insidious encroachment on that profit, and I am very reluctant to disburse one single mill of it to anyone for any purpose. As mentioned earlier, my business is an agricultural pursuit and profits come hard in this line of endeavor. We have all the problems that confront other industries and more besides. Tough as my business may be, the two cents required to maintain the District constitutes no great financial drain on me by any means. To maintain my business requires me to pay Contra Costa County \$3600 per year for land and improvements, and of this amount at the .02 rate the District would get \$8.53. I will gladly pay \$8.53 a year, to breathe a better quality of air and prevent my neighbors from trespassing upon my property with pollutants which can cost me thousands of dollars.

Aside from the angle of profit, I have another obligation, that is to use my influence to prevent my wife, my children and grandchildren, as well as 3 million other people in the District from using their lungs to filter the junk out of the air. If there are any who protest the cost involved in carrying out the air pollution work, let us remember, aside from those

protesting, there are 3 million other people to be considered.

I most strongly urge you gentlemen of the Committee to consider favorably the necessary finances required by the Bay Area Air Pollution District, to effectively perform their obligation.

CHAIRMAN THELIN: Are there any questions of Mr. Aebi?

ASSEMBLYMAN RUMFORD: Would you kindly send a copy of that to the Board of Supervisors of Contra Costa County?

MR. AEBI: Yes, I will.

CHAIRMAN THELIN: We will hear Mr Yurash first and then Mr. Moeller, and then we will go to lunch. Will you come forward, sir. Now, would you commence, sir, by stating your name and who you represent or what your office is, whatever it may be, and then proceed.

MR. YURASH: Yes, sir, Mr. Thelin. My name is Bernard Yurash. I am employed by the Fairchild Semiconductor Corporation of Palo Alto. There, I am a member of the technical staff and part of my duties are as Chairman of the Health and Safety Committee at the Research and Development Laboratory. I would like to read to you this letter which I have submitted to the committee.

Our support of the activities and purposes of the Bay Area Air Pollution Control District is based on the following considerations.

As consumers of clean air, we would like to reduce, not merely maintain, the present level of total contaminants in the

air, both particulates and gases. This is important to us in order to maintain efficient operations. In one aspect, it is important in the construction of our devices, which at certain stages are sensitive to specific contaminants. In another aspect, clean air is important in maintaining good health on the part of our employees so they may work at maximum comfort and efficiency.

In line with this, we are ourselves monitoring the internal atmosphere at strategic places in all three of our plants and are monitoring effluent gases from these plants.

We are eager that the activities of the Air Pollution District be developed and extended and will support measures which will do this.

CHAIRMAN THELIN: Does this conclude your statement, Mr. Yurash?

MR. YURASH: This is the formal part of the statement. Informally, I would like to say that we are familiar with the work of the Air Pollution Control District. I have visited Dr. Feldstein of the Analytical Laboratory several times for consultation purposes and received very efficient help from him. We have, on our own, spent \$20,000 to make sure that we do not discharge any harmful liquid waste into the sewer system of the cities in which we operate. We have purchased a good bit of equipment to monitor our operations and I must say here that this should not be misleading. We do not have any harmful operations. We have ordinary laboratory type operations where a person working in a fume-hood with an acid or a solvent is

protected inside the plant. We are also worried about maintenance people working on top of the plant and we are worried about our neighbors in the vicinity of our plants. If the people on top of the roof cannot breathe the air that comes out of the exhaust stacks, we immediately look into it to find out how we can stop the gas or change our operations in such a way that no one in the area is affected. We would like to see other people do this and this is part of the reason for our support of the activities of the Bay Area Air Pollution Control District.

CHAIRMAN THELIN: Any questions of Mr Yurash? Apparently not, sir, so we will thank you for appearing before us. Mr. Moeller, would you come forward, please?

MR. MOELLER: Thank you. Mr. Chairman and members of the committee, my name is Ken Moeller. I am Industrial Manager at the Oakland Chamber of Commerce. At the last meeting of the Manufacturers Committee of the Oakland Chamber of Commerce, the subject that the proposals embodied in Assembly Bill 1228 which was refused passage by the 1961 Legislature was discussed. This bill was to amend the Health & Safety Code to permit an increase in the maximum tax rate of the Bay Area Pollution Control District at 2¢ for each \$100 assessed valuation from the present maximum of 1¢. This increase to 2¢ was to be made in two steps going to 1.6¢ for the fiscal year beginning July 1, 1961, and to 2¢ during the fiscal year beginning July 1, 1962. On February 20, 1961, the Board of Directors of the Oakland Chamber of Commerce unanimously supported Assembly Bill 1228 creating the 1¢ tax rate increase. After full discussion by the Manufacturers

Committee, it was recommended that the Board of Directors reaffirm its support of the proposals outlined in the bill and that the Governor of the State of California be requested to place this subject on call at the 1962 Budget Session. On Monday, December 4th, the Board of Directors of the Oakland Chamber of Commerce unanimously adopted the recommendation of the Manufacturers Committee supporting the principles set forth in AB 1228.

CHAIRMAN THELIN: Any questions of Mr. Moeller. Apparently not. Thank you.

MR. MOELLER: Thank you.

CHAIRMAN THELIN: Is Mr. Reh fuss in the audience?

MR. CALLAGHAN: Unfortunately, Mr. Chairman, Mr. Reh fuss could not be here until 2:00 o'clock.

CHAIRMAN THELIN: Will you state your name so we will have it for the record.

MR. CALLAGHAN: I am Judd Callaghan, Chief Administrative Officer of the District. In discussing this matter with Mr. Reh fuss the other day, he has an appointment this morning which precluded him from being here until this afternoon and I thought it was the committee's intention to meet at 2:00 o'clock, so I apologize if we have scheduled someone that is going to be an inconvenience to you.

CHAIRMAN THELIN: Let me explain it, Mr. Callaghan. We did intend to have Mr. Reh fuss at 2:00 o'clock and he is now the only remaining witness, so I thought if he was present, we could have

him at this time and thus save the trouble of coming back, but since he is not here, we will return at 2:00 o'clock and have his testimony. Now, before you get away, Mr. Marks wants to ask you one little question.

ASSEMBLYMAN MARKS: I wonder if I could ask you just one question, Mr. Callaghan. Assuming this bill passes, what do you feel would be the proper amount that you should ask for? How high a rate will you ask for?

MR. CALLAGHAN: Mr. Marks, that, of course, is a policy decision that has to be made by the Board. We are in the process right now of working on a budget. We have not come to any definite decisions as far as the staff is concerned at this point. We expect to be in a position to submit to the Board within the next two months or so, our estimate of what we feel is necessary. The actual Board is the policy making body.

ASSEMBLYMAN MARKS: Can you make an estimate at this time whether or not you feel that your recommendations will ask for an increase to the maximum or will it be somewhere below the maximum that this bill would authorize you to ask for?

MR. CALLAGHAN: I would hesitate to make a statement on that, but it was my personal feeling that we should walk before we run and that perhaps they should be taken in steps. Now, when I get into it a little bit further, I may change my mind on that but that is my position at the present time. We ought to look at this matter very closely and carefully and perhaps they should be taken in steps rather than budgeting for the total amount the first year.

ASSEMBLYMAN MARKS: Thank you very much.

CHAIRMAN THELIN: That is all for you, Mr. Callaghan.

Thank you.

Also, if there is anybody that wants to testify that has not requested time, we will put them on after Mr. Reh fuss.

The Committee is now adjourned until 2:00 o'clock.

AFTERNOON SESSION

CHAIRMAN THELIN: Our concluding witness for the session is Mr. C.W. Reh fuss. Be seated, please, and state your name into the mike and your affiliation and then address the committee as you may wish.

My name is Carl W. Reh fuss. I am General Manager of the Standard Oil Company of California's refinery at Richmond, and I am Chairman of the Western Oil and Gas Association Bay Area Air Pollution Control Subcommittee. I am here today on behalf of the Western Oil and Gas Association to offer our views on the subject of this hearing, which is "a proposed increase in the maximum tax rate of the Bay Area Air Pollution Control District."

The Western Oil and Gas Association represents the oil industry of the West Coast -- some 150 companies, including the 4 refineries in the Bay Area. One of the purposes of Western Oil and Gas Association is "to provide a forum for the discussion of matters of general interest to its members; to promote cooperation between the West Coast oil industry and federal, state and other governmental agencies; to promote a better understanding between this Association and other similar state and national

organizations; to provide means for the study of the arts and sciences involved in the conduct of the oil industry".

Our Association has been following the air pollution situation in the Bay Area for some years. It is our view that good strides have been made in controlling air pollution in this area, but more must be done. Two regulations have been adopted by the District, which we believe are good regulations. Our refineries, we feel, have taken the lead in complying with these regulations. The job that must be done now is to get community-wide compliance. Otherwise the regulations must be meaningless. We have in the past, and will in the future, endorse the principle of enforcement of air pollution regulation. If this enforcement job is not done, we feel that air pollution control in the Bay Area will be slowed down, which conceivably could have an adverse effect on the orderly growth of this community. As we understand it, funds from any increase in the tax rate for the District would be used to achieve this enforcement. We favor, therefore, any justified tax increase found necessary to get the enforcement job done. We do not feel we are qualified to comment on how much additional money is needed. We feel this should be left to those responsible for studying District organization and personnel requirements.

In doing this enforcement job, we also endorse the principle that a good job be done at the least cost to the community. We have observed that there are many organizations within county and city governments who have demonstrated an interest, and in fact,

are already cooperating with the Control District in observing smoke and other sources of air pollution. These organizations are health departments, fire districts, and others. The Health Officer in Contra Costa County has recognized the possibility of using these people to help the District enforce its regulations. He is now working on a proposal whereby County personnel issue warning tickets to violators of the District's regulation. Copies of the tickets would be sent to the Control District for further processing and follow-up as necessary. Further, it is proposed that all prosecutions that ensue from issuance of the warning tickets shall be done by the District, using existing legal machinery now provided for in the State law. These local people can accomplish improvements without the necessity of preparing a perfect legal case. Their participation can be extremely helpful from the practical standpoint of getting compliance with regulations.

To sum up -- (1) we have good air pollution laws in the Bay Area; (2) we believe they should and must be enforced; (3) we favor any justified tax increase found necessary to get the enforcement job done; (4) we suggest that the proposal now being considered in Contra Costa County be studied as an economical means for supplementing District enforcement.

Thank you.

CHAIRMAN THELIN: Are there any questions of Mr. Rehfuss?

ASSEMBLYMAN RUMFORD: Yes. Mr. Rehfuss, you commented in the latter part of your testimony here about the District, or

rather the local community giving tickets to the violators and then you later suggested in your fourth suggestion that the proposal now being considered in Contra Costa County be studied. Now, are we talking about local enforcement here.

MR. REHFUSS: No. Essentially, the man that we are talking about here is the local agency such as the health department, fire department, etc., would issue tickets and send these tickets into the Board for their handling.

ASSEMBLYMAN RUMFORD: Is this the proposal that is being made by Contra Costa at the present time?

MR. REHFUSS: Well, they are studying it. I am not sure whether actually it has been proposed to the Board or not.

ASSEMBLYMAN RUMFORD: Does this in any way effect the position of your people or your organization - if the enforcement remains as it is today - in the hands of the District?

MR. REHFUSS: No.

ASSEMBLYMAN RUMFORD: It does not?

MR. REHFUSS: No.

ASSEMBLYMAN RUMFORD: I am not too sure that if each embarked upon his own -

MR. REHFUSS: This was primarily an implementation of the District.

ASSEMBLYMAN RUMFORD: I can see where the local health department or any local agency might issue a citation, and if he so did, then he would send a copy to the District. But what if he did not issue one in the first place? That would not prohibit the

District from going in there?

MR. REHFUSS: No. Not in our thinking, it would not.

ASSEMBLYMAN RUMFORD: I see. That's my last question.

CHAIRMAN THELIN: Assemblyman Wolfrum.

ASSEMBLYMAN WOLFRUM: As I understand, there are six counties in the Bay Area Air Pollution Control District and if you had all these different organizations within each county enforcing the law, would you get any uniformity now?

MR. REHFUSS: Well, our feeling is that they would enforce the law, but it is just a matter of finding the violators and reporting them to the District. The District would enforce the regulation.

ASSEMBLYMAN WOLFRUM: They would have, in effect, no police powers, then. They would merely be sending in warning notices, in effect.

MR. REHFUSS: That is right.

ASSEMBLYMAN WOLFRUM: Would they notify the violators?

MR. REHFUSS: Well, that has not been developed. This is just a suggestion. Our feeling was that the health department, police department, fire department are roaming all over the county and quite frequently, people would call them if there was a violation and they could then turn in the report to the Board for their handling.

ASSEMBLYMAN WOLFRUM: You view this as a supplemental device to the Air Pollution Control District's enforcement group?

MR. REHFUSS: It would be just an aid in finding violators which they would not necessarily run across, possibly.

ASSEMBLYMAN WOLFRUM: Well, you feel that the Air Pollution Control District should not have an enforcement group such as is proposed by this additional tax rate?

MR. REHFUSS: No. The Air Pollution District would have to do the enforcing of the regulation, from our thinking.

ASSEMBLYMAN WOLFRUM: In other words, this organization you are talking about would be just spotters.

MR. REHFUSS: Just a spotting organization.

ASSEMBLYMAN WOLFRUM: Thank you.

CHAIRMAN THELIN: Assemblyman Marks.

ASSEMBLYMAN MARKS: Well, to the extent that these people in these various counties would assist, they would to that extent, cut down on the necessity for increasing the tax rate, wouldn't they?

MR. REHFUSS: Yes, that is correct. It would keep the number of people who would be spotters or people who would be looking for violators, yes.

ASSEMBLYMAN MARKS: As I understand, they would just make a report to the District, and also to the person presumably who allegedly had violated the law, and then it would be up to the District to determine whether or not they were going to carry forward on the report that had been made by the county?

MR. REHFUSS: That is correct.

ASSEMBLYMAN MARKS: How many people would be available in Contra Costa County to do this?

MR. REHFUSS: I do not know the number. All members of the health department, the fire department, the police department, are roaming the county continually and would be available, if they see a violation, to report it.

ASSEMBLYMAN MARKS: Do you know whether or not the Bay Area Air Pollution Control District is in favor of such a proposal?

MR. REHFUSS: I do not.

ASSEMBLYMAN MARKS: That might have a bearing upon the amount of increase that would be asked for. Thank you.

CHAIRMAN THELIN: Any further questions? Apparently not. Thank you very much, Mr. Rehfuss.

This concludes the list of witnesses who have requested to appear before the committee. Is there anyone else in the audience who would like to come forth at this time and present any views or comments?

ASSEMBLYMAN RUMFORD: I have a comment.

CHAIRMAN THELIN: Yes, Assemblyman Rumford.

ASSEMBLYMAN RUMFORD: Now, Mr. Chairman, I do not know that we have heard any opposition to this legislation so far.

CHAIRMAN THELIN: Apparently not.

ASSEMBLYMAN RUMFORD: We have interested observers and I hope that we can make a motion to ask the Governor to put this on Special Call at the Budget Session that these people will not then come out and try to defeat this effort. I feel this way - in view of the urgency, in view of the solidarity which has been expressed here, I would like to see this committee go on record

as suggesting to the parent committee that we ask the Governor to put this on call for the Budget Session and I would like to make such a motion, Mr. Chairman.

CHAIRMAN THELIN: Moved and seconded that this Subcommittee recommend to the full Public Health Committee that it request the Governor to put the subject matter of this meeting on Special Call for the Legislature next year. Is there any discussion of this motion?

ASSEMBLYMAN RUMFORD: I wonder if the Air Pollution Control District has any comment on this at this point inasmuch as you are going to be affected.

CHAIRMAN THELIN: If there is anyone that would like to comment from the audience, would you come forward, please. Mr. Callaghan.

MR. CALLAGHAN: Mr. Chairman and members of the committee, the purpose actually in presenting this to you today was the hope that this committee would take this action. This is certainly in line with the policy that has been adopted by our Board and we request that you do take this favorable action.

ASSEMBLYMAN RUMFORD: Let me ask you, Mr. Callaghan, in view of the strong opposition that we had, can we at this point contemplate that these differences have been ironed out and that we may not meet with this opposition. We might as well find out now where it is, if there is any, so that we will know what to expect. Do you know of any opposition or do you feel that there will be opposition? Is everybody in agreement?

MR. CALLAGHAN: I cannot say that everybody is in agreement on this, Mr. Rumford. I think there are areas where people feel that perhaps this matter should be considered more at a future date. There is also a question, I believe in some people's mind as to the effective use of personnel at the present staff level. I would say this, that I think that the opposition to this measure right now is at a minimum. San Francisco being one of the areas in which there was active opposition, I am hopeful that San Francisco will be able to see its way clear to go along with the adoption of this resolution and approve of the motion to increase the tax rate.

ASSEMBLYMAN RUMFORD: Well, I would like to mention in conjunction with what Mr. Marks said. We did have the full support of the San Francisco legislators who believe very strongly in the program. This was commendable, but we do not know about these other areas. If they begin to show themselves a little later on and we may find ourselves involved in another dispute where legislators who would like to go along with us might be reluctant if there is this opposition which might develop.

MR. CALLAGHAN: Well, I just hope that it will not develop, Mr. Rumford. I cannot say exactly that it will, but there are some problem areas, minor as they may be, there are some problem areas.

CHAIRMAN THELIN: Assemblyman Wolfrum has a question, Mr. Callaghan.

ASSEMBLYMAN WOLFRUM: Was the objection to the 2¢ tax

increase ...to raise it to 2¢ or 1.6¢. ...or was it the whole thing that they did not want any kind of raise?

MR. CALLAGHAN: Well, I cannot answer that, Assemblyman, because I was not involved with the program at that time. You are talking about this last Session of the Legislature, I take it.

ASSEMBLYMAN WOLFRUM: Yes.

MR. CALLAGHAN: I am afraid that I cannot answer that question because I was not involved in the District at that time. Mr. Linsky is here and he may be able to answer that for you.

CHAIRMAN THELIN: Assemblyman Marks, did you want to ask a question of Mr. Callaghan?

ASSEMBLYMAN MARKS: Yes. Was it your thought that if this bill does go on the Special Call that the language would be the same as the bill that was presented in 1961?

MR. CALLAGHAN: I would say essentially the same except in the bill that you have before you and you are considering here, there was a 1.6¢ and then it goes to 2¢.

ASSEMBLYMAN MARKS: Other than the figures, the language would be the same. I am referring specifically to this portion which states that the tax rate shall not be such that it will leave a surplus. There is a provision in the bill that was considered that, in effect, you can not set the tax rate at such a place so that the tax rate will leave a surplus for any fiscal year. You still would want that in the bill?

MR. CALLAGHAN: Well, I would assume because... I mean if we have a realistic budget, Assemblyman Marks, that we are not going to have too much of a surplus. Now, I would like to ask

the lawyer his opinion on that.

MR. WALKER: I am Matthew Walker, Counsel for the District. I think that the language you are referring to in A.B. 1228 had something to do with the creation and maintenance of a reserve. The District at the present time does have a General Reserve. I think it is now about \$100,000, to tide them over the dry period. But I think the language you are referring to had something to do with the use and building up of reserves. The language inserted there, I suppose, was intended to mean that the District would not thereafter create or add to reserves.

ASSEMBLYMAN MARKS: I am, as you know, in favor of this bill. I think that it is difficult to convince anybody to raise taxes of any kind and I would think that there should be something in the bill that would make it certain that the maximum amount which you are authorized to ask for would not necessarily be the amount that you will ask for if, in fact, you do not need all that money.

MR. WALKER: The fiscal history of the District has been that they have budgeted for operations only, but due to change of circumstances during the fiscal year, there have been monies left over. These have been put into reserve, and the reserve has been built up as money is left over from operations accounts. The District has, never in its history, budgeted to create reserves.

ASSEMBLYMAN MARKS: What I am getting at, if there is opposition to this bill the opposition might be weakened somewhat

if it were indicated that the Bay Area Air Pollution Control Board was making every effort, which I am sure you are, to keep the increase down to the very minimum. I would think that would be helpful.

CHAIRMAN THELIN: Assemblyman Rumford has a question.

ASSEMBLYMAN RUMFORD: Mr. Walker, you might want to answer. Does the Board then contemplate seeing the Governor or trying to make any move other than the adoption of a resolution to get this on the agenda for the next Special Session?

MR. WALKER: I think Mr. Callaghan could answer that.

CHAIRMAN THELIN: Mr. Callaghan, do you want to come forward and try to answer that inquiry?

MR. CALLAGHAN: This resolution was sent to the cities and counties and to each legislator in the six bay area counties. We were hopeful that favorable action would be taken in the cases of the cities and counties so that the Governor would get an expression from the cities and counties so that he might make some determination on this matter. We are hopeful that we are going to have expressions from the cities and counties. We have had expressions from two counties at the present time, San Mateo County and Santa Clara County. The other counties have it under consideration.

ASSEMBLYMAN RUMFORD: What about the Bay Area Air Pollution Control District, itself? Do you plan to see the Governor?

MR. CALLAGHAN: I would think, Mr. Rumford, that we would have to see the Governor to determine how he feels about this

matter. Now, this has been brought to his attention by the Senator from the City and County of San Francisco asking that he favorably take this matter under consideration and recently, I received a copy of a letter that was sent to the Senator by the Governor's Secretary stating that the Governor has it under consideration, and that it will be given every consideration.

ASSEMBLYMAN RUMFORD: Thank you.

CHAIRMAN THELIN: Any further questions of Mr. Callaghan? Apparently not, sir. Thank you.

Mr. Linsky; you wish to discuss this matter?

MR. LINSKY: I thought there was a question of me from Assemblyman Wolfrum.

CHAIRMAN THELIN: Do you have a question for Mr. Linsky, Assemblyman Wolfrum?

ASSEMBLYMAN WOLFRUM: Well, I would like to pursue the question of what the opposition was in Sacramento.

MR. LINSKY: For the record, I will identify myself. I am Benjamin Linsky, Air Pollution Control Officer, Bay Area Air Pollution Control District. Last year's opposition seemed to pivot around two points. One, the general question of whether we needed any more money; whether we could not reorganize our forces and do better; and the other around the question of whether there should be provided for either in the law or in action and very positive policy, reimbursement to cities and counties for personnel to be on local payroll for enforcement of the District's regulations. I think these are the two areas of controversy in the opposition. I do not believe there were any

others, to my knowledge. It would appear from what both openly and on the grapevine that both of these have been fairly well resolved. We cannot be certain, of course, but I think they have been fairly well resolved sometimes without formal open expressions. This is the impression I have, Assemblyman Wolfrum.

CHAIRMAN THELIN: Do you have any further questions, Mr. Wolfrum?

ASSEMBLYMAN WOLFRUM: No.

CHAIRMAN THELIN: That will be all, then, Mr. Linsky, unless you wish some further comment.

MR. LINSKY: There is, there is one further comment and there might be a little amplification of the question of our present use of manpower. We are tooled up and are using our engineers, out stack sampling technical people, our agricultural damage man and the others to get first at the very large and complex operations that take a longer time to clean up from the time management says "yes" until the job is done. These are the \$100,000 and \$1 million - several million dollar enforcement jobs which take one, two or three years after management makes decision before the engineering installation is done. We are using our technical people to get those jobs done and they are rolling nicely. Then there is the medium size and the smaller jobs where we need field manpower to go knocking on doors and do the persuasion and where that is not enough, draw on the technical people to get the evidence needed for formal legal occasion enforcement. I thought this might help clarify that general feature.

CHAIRMAN THELIN: Assemblyman Marks has a question for you.

ASSEMBLYMAN MARKS: When the Motor Vehicle Pollution Control Board actually adopts standards as far as smog control devices on automobiles, will your Board have any enforcement power in your area over the way in which those standards are carried out?

MR. LINSKY: No, our District and our District law does not give us the police powers for misdemeanor enforcement. Under the state law that set up the State Motor Vehicle Pollution Control Board, the assignment for enforcement as to whether Jack has the gadget on his car, is in the Motor Vehicle Code and will be enforced by highway traffic control people and similar patrolmen on the beat and in the field, to the best of my knowledge. We would not expect to have any role except the general role of assisting in the education of the public. That kind of thing.

ASSEMBLYMAN MARKS: I am just wondering whether or not the request for additional personnel that you are asking has anything at all to do with any additional responsibility you might have in that field and you have answered that question.

MR. LINSKY: Not within any possible contemplation or under the law.

CHAIRMAN THELIN: Thank you, Mr. Linsky.

MR. LINSKY: Thank you, sir.

CHAIRMAN THELIN: Mr. Kenny, did you wish to discuss this matter?

MR. KENNY: Mr. Chairman and members of the committee, I am Supervisor James Kenny of Contra Costa County. I represent

the Contra Costa Board of Supervisors on the Air Pollution District. I am here unofficially, not representing the Board of Supervisors today, but to gather some information. Our Board took a position to lay this matter over for thirty days to get as much information about the increase as possible and talk with our legislators. I personally, as a member of the Board, have voted for the increase. I was attending the Conference in Los Angeles to get some more information about how they operate the air pollution district in Los Angeles. I think the question comes up for the Special Call of not only the 1¢ increase, but also how far do you go in this Special Call on auto muffler control, or the complete question of auto control of the blow-by devices, the mufflers and everything else?

CHAIRMAN THELIN: Well, it would depend, I would say, on the terms of the Governor's call. He, of course, has plenary power to call us into Session on any subject that he desires. The definition of the limits of the Call, I think, would just depend on what he says in the message that brings us into Session. We would not have control of that. In other words, if you go to the Governor and suggest that he put a certain subject on Special Call, you are gratified if he issues an edict calling the Legislature into Session that includes your subject matter, without trying to limit him as to what he might want to do.

I would say the sense of the motion Mr. Rumford made here today would be one simply applicable to the subject we have been discussing which is a tax increase for the Bay Area Air

Pollution Control District. Other than that, our motion would not have any effect. That is about the only way we could answer that question that you have raised. It would not preclude the Governor, of course, from expanding the Call if he saw fit - in other words, if he wanted to make the call simply "Air Pollution" why, of course, the door would be wide open. I would say in your approach to the Governor for a Special Call, you do not tell him what not to put on it, but simply what you want him to put on. We would simply not be able to control it. Do you have anything further you wish to say, Mr. Kenny?

MR. KENNY: No.

CHAIRMAN THELIN: Are there any questions of Mr. Kenny?
Mr. Rumford.

ASSEMBLYMAN RUMFORD: Did you want to comment on those citations, or warning tickets, or the approach that was expressed by Mr. Rehfuß?

MR. KENNY: Well, Mr. Rumford, as you know, I have been on the Air Pollution Board three months. I am kind of a newcomer on the Board, but our policy of the Board of Supervisors previously has been that we would wish a reimbursement to our county. We did not oppose the increase, as I recall, but we did want reimbursement. We thought that our fire districts, our health departments and our sheriff department could do some of the enforcement in our county. Now, the technical aspect of it, I think, would be in the hands of the Air Pollution District.

CHAIRMAN THELIN: Are there any further questions of Mr. Kenny? Apparently not. Thank you very much, sir.

MR. KENNY: Thank you.

CHAIRMAN THELIN: Does anyone else in the audience wish to discuss the motion which we are now talking about.

CHAIRMAN THELIN: Mr. Chess.

MR. CHESS: I am T. Louis Chess, Supervisor of San Mateo County. I do not want to speak on the motion, particularly. I thought I might add in response to Assemblyman Wolfrum's question on the 2¢ tax limitation. The 2¢ figure was submitted as I stated earlier in my testimony on the recommendation of the Budget Finance Committee, of which I was Chairman, on the premise that that was an outside figure that would enable the Board or the District rather, to operate for an indefinite period of time, and the 1.6 which is the figure that we are submitting now is a reconciliation of views of the need to operate the District. It was the feeling of the Board which voted unanimously on this last occasion in favor of the 1.6 that with that figure and increases, in assessed values, we could, for an indefinite period of time, operate and implement and augment our enforcement staff through the employment of additional inspectors, surveillance personnel, and some supporting technical and administrative personnel, at least for sometime to come. The figure was one that merely gave as an outside figure, but with no intention of using it as a maximum. I think Mr. Marks asked that same question. We have no intention -- in fact, I do not see any reason why we should, even consider using the 1.6 in our forthcoming budget. For

example, the matter of time in implementing the number of inspectors. They have to be people who must have certain qualifications and the orientation of that type of personnel takes time. I would say off-hand, it would probably be in the second year before we would reach the maximum if we do it then, with respect to the additional money that would come in within the 1.6 plus the additional money from the increased assessed values. So in this District the increase is not for the building up of reserves. The reserves that we have resulted from unfilled positions and things of that nature and we are told by counsel that we can only use those reserves for certain specific purposes and under the statute we have no reason to build reserves - simply to have reserves as such, and you have the assurance of the Board, and I speak the sentiment of the Board, that we are here to set up an organization of effective personnel in the field of enforcement. Incidentally, I am not disparaging anybody when I say the Board is not here to build empires as has been insinuated - we are not interested in building an empire. we are interested in building a force that will give us enforcement of the type that will be effective and purposeful and we sincerely hope you will see our objective in that light.

CHAIRMAN THELIN: Thank you very much. Just a moment, Mr. Chess. Assemblyman Wolfrum has a question.

ASSEMBLYMAN WOLFRUM: What does this section on the second page of the bill mean? "...rate of tax fixed pursuant to this Section shall not be fixed in such a manner so that it

results in a surplus for any fiscal year." Does this mean you have to spend up to the amount that you collect?

MR. CHESS: No. We set up in our budget that which we can use and spend within reasonable usage.

ASSEMBLYMAN WOLFRUM: What happens if you make a mistake and you have \$20,000 left over?

MR. CHESS: We just reduce our budget the next year. That is an honest mistake.

ASSEMBLYMAN WOLFRUM: I think it is rather an ambiguous situation here, myself. I do not quite understand what we are attempting to do with this thing. In other words, if we are just setting up a surplus fund, then we ought to say that. It seems to me that it is rather amgituous terms as to what the interpretation might be of that particular portion of the section.

MR. CHESS: Perhaps Counsel can tell us more about that. He is the fellow that guides us. Do you want to answer that?

MR. WALKER: This language about surpluses was added to the bill after it was first introduced. I have to tell you truthfully, I am not awfully sure I know what it means, either, but as I understood it when it was before the Legislature last year, I think what it was intended to say was that if there was a surplus of unexpended funds left over in any fiscal year, that that would reduce the tax rate for the following year, rather than have that money put into a general reserve to build up over the dry period. The fiscal history of the District

over its previous years has been that if there was any money left over at the end of the year, it was accumulated in the general reserve for use to pay bills during the dry period. That is, until the first receipt of taxes. Now, as I understand that language, it was intended to prohibit that practice.

ASSEMBLYMAN WOLFRUM: I think it ought to be clarified, don't you?

MR. CHESS: Well, I would hope so.

ASSEMBLYMAN MARKS: I was going to make a suggestion there, Mr. Chairman, if this matter has not been presented to the Legislative Counsel for determination, I think it would be a good idea to have the Legislative Counsel to rule, concerning this particular feature because I think it will undoubtedly, come up at the Session if the matter is heard. I, for one, would be interested in knowing what it means.

CHAIRMAN THELIN: Well, perhaps Mr. Rumford can tell us a little about this. Mr. Rumford.

ASSEMBLYMAN RUMFORD: Mr. Chairman and members, this particular paragraph or section was not in the bill in its original introduction, and was perhaps included in there to satisfy the people who thought there would be an abuse of the monies that to be gained as a result of the tax, and does not have to be included. However, we might talk to the Legislative Counsel on it if we want to prepare ourselves for rebuttal, if it happens to come up again. I should think this bill would be introduced without that section.

CHAIRMAN THELIN: Mr. Rumford, would you like the opinion from Legislative Counsel as to the meaning and implication of that particular section.

ASSEMBLYMAN RUMFORD: Well, sometimes they usually ask us what did we mean when we wrote it in there. (LAUGHTER) But, I would think that this would be a good idea. I think the bill should be introduced without the section in there. That is just as it was introduced originally with the exception of the amount of February 1, 1961.

CHAIRMAN THELIN: Mrs. Nance, will you make a note to request an opinion from the Legislative Counsel on that matter?

Do you have something else, Mr. Marks or Assemblyman Wolfrum?

ASSEMBLYMAN WOLFRUM: I think his suggestion was well taken. If you have a surplus, it ought to be applied against the budget for the next year. This would overcome some of the objection, I think, that the Muni and County Government Committee meeting presented.

CHAIRMAN THELIN: You would like to have that written into the bill specifically, you mean?

ASSEMBLYMAN WOLFRUM: Well, I think that would overcome some of the objection that was voiced before the Muni and County Government Committee hearings - that they were going to build a big reserve fund, so on and so on, etc.

CHAIRMAN THELIN: Well, we will have that suggestion of Mr. Wolfrum on the record so we can keep that in mind.

MR. WALKER: I would not want it said that I suggested that. That is a policy matter and I do not make policy.

CHAIRMAN THELIN: Mr. Walker wants to make a point that he is not suggesting that as a policy of the Board, apparently. All right now, where are we. Are there any more questions of Mr. Chess?

MR. CHESS: Mr. Chairman, I was going to add this that if there are any phases of this legislation after it gets to committee, or after a call is approved by the Governor, we would be very glad to have our Counsel ..I am speaking for the Board now.. sit down with Mr. Rumford or any others to review the matter in any manner that you see fit to call upon us for. Certainly, we want to reconcile any misunderstandings or resort to clarification of any phases that may be in need of clarification.

CHAIRMAN THELIN: That is fine. Probably Mr. Rumford or any potential authors will be consulting you.

MR. CHESS: I would like to close my remarks by making this comment, particularly for the interest of those who asked questions about how much money we have used of our budget. This may be of some interest... the District was organized in 1955 and that year we used 2.02 of our allocations. In other words, we budgeted only that much money of available budget funds. In 1956-57 year, we used 32.59 and 1957-58, we used 81.19; 1958-59, we used 93.68; and 1959-60, we used 98.59; in 1960-61, we have a maximum allowed of allowable available under the maximum of 1¢

of \$560,447. Our budget was \$560,400, leaving a difference of only \$47 to work with. We had some vacant positions of course. We did not use all the money as it was, but we do not budget all the money that is available to us under the maximum rate and we keep within a maximum budget and, I can say this, that the budget committee is a very thorough functioning group and we are not budgeting money that we do not need. Thank you very much.

CHAIRMAN THELIN: Are there further questions? Apparently not, Mr. Chess. Thank you.

ASSEMBLYMAN RUMFORD: Just for clarification.

CHAIRMAN THELIN: Mr. Rumford.

ASSEMBLYMAN RUMFORD: The motion...in substance read that we would introduce as subject matter an increase of .6¢ so that we may not run into these difficulties as the bill was amended as it proceeded through the Legislature during the 1961 Session.

CHAIRMAN THELIN: Our motion would be a recommendation to the Governor that he put this subject on special call. Isn't that the limitation?

ASSEMBLYMAN RUMFORD: That is sufficient, but in drafting the bill, we can include other things.

CHAIRMAN THELIN: Well, as far as what the bill might be, that will be up to whoever the author was or the committee that is going to introduce the bill.

ASSEMBLYMAN RUMFORD: I just did not want this 1228 as amended, to be the subject matter which we ask to be re-introduced.

CHAIRMAN THELIN: The point is, we are not necessarily limiting our recommendations to the confine of AB 1228 as finally amended.

ASSEMBLYMAN RUMFORD: That is right.

CHAIRMAN THELIN: Is there any further discussion from anyone in the audience? If not, we have this motion before the Subcommittee. Does any member of the Subcommittee want to comment on it? If not, by unanimous consent, we will take the vote. We might note as we have already indicated that the vote on this motion does not necessarily mean the endorsement of the subcommittee or any individual assemblyman for a particular percentage of increase. It's simply saying that the members of this subcommittee feel the matter is of sufficient importance that the Governor should put the item on Special Call next year. All in favor of the motion will signify by saying "Aye"; those opposed by saying "No". The Ayes have it - Motion carried.

There being no further business to come before this meeting of the subcommittee, Mr. Rumford has moved that we adjourn and Mr. Wolfrum has seconded the motion and all in favor say "Aye". There being no "no's" we will stand adjourned.